



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, Ca. 94105-3901

DEC 23 1991

Re: TSCA-09-89-0015

In reply: A-4-2

Mr. Al Piecka  
General Regional Manager  
Environmental Control/Industrial Hygiene  
Aluminum Company of America  
P.O. Box 58407  
Los Angeles, California 90058

Dear Mr. Piecka:

The United States Environmental Protection Agency (EPA), Region IX is in receipt of your correspondences dated April 6, 1990, July 10, 1990, October 17, 1990, January 14, 1991, September 5, 1991, and November 6, 1991, all of which transmitted documentation required by the Consent Agreement and Final Order executed on March 8, 1990 in the administrative enforcement action filed under the docket number shown above.

We have reviewed the submitted documentation. Based on the materials provided, Aluminum Company of America appears to have met all the conditions outlined in the Consent Agreement and Final Order. EPA will, therefore, consider the above-referenced matter closed. We here at EPA certainly appreciate such cooperation and dedication on the part of ALCOA to comply. It is always a pleasure working with professional organizations. We look forward to reviewing the documentation regarding the clean-up of Building 112 extrusion facility, and all other areas planned for replacement or removal. We acknowledge that these items are outside of the Consent Agreement and Final Order, however we are interested in the progress. We would like to hold on to our copy of the the black binder titled, Final Report / PCB Remediation / No. 10 Extrusion Press / Building #114.

If you have any questions, please call Molly McGowan at (415) 744-1118.

Sincerely,

*for* David Bernstein  
Chief, Pesticides & Toxics Branch  
Air and Toxics Division

Printed on Recycled Paper

CC: Sandy Harvey - P<sub>3</sub> h  
Pat Arkow - P<sub>3</sub> h

OFFICE OF THE HEARING CLERK  
ENVIRONMENTAL PROTECTION  
AGENCY, REGION IX

PLEASE DO NOT ADD ANYTHING  
TO OR REMOVE ANYTHING FROM  
THIS FILE WITHOUT APPROVAL  
OF THE HEARING CLERK.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street  
San Francisco, Ca. 94105

August 14, 1989

Certified Mail No. P 841 509 821

Return Receipt Requested

In Reply: ORC

Refer To: TSCA-09-89-0015

FILED

AUG 15 1989

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

Paul O'Neill, President and Chief Executive Officer  
Aluminum Company of America  
1501 Alcoa Building  
Pittsburgh, PA 15219

Subject: Aluminum Company of America  
Complaint and Notice of Opportunity for Hearing  
Docket No. TSCA-09-89-0015

Dear Mr. O'Neill:

Enclosed please find a Complaint and Notice of Opportunity for Hearing concerning violations of the Toxic Substances Control Act (TSCA), 15 USC 2601 et seq.

The Complaint and Rules of Practice, 40 CFR Part 22, set forth the alternatives available to you in responding to the alleged facts, violations, proposed penalty, and opportunity for a hearing. It should be emphasized that if you wish to request a hearing and avoid being found in default, you must file a written Answer within twenty (20) days of your receipt of the Complaint.

A report summarizing the results of EPA's inspection of your facility is also enclosed for your information.

Whether or not you choose to request a hearing, you are encouraged to explore the possibility of settlement by contacting David M. Jones, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, California 94105, telephone number (415) 974-7364.

Sincerely,

David P. Howekamp, Director  
Air and Toxics Division

Enclosures

cc: Nennet Alvarez, California Department of Health Services

C. T. Corporation System  
Registered Agent for Aluminum Company of America

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AUG 15 1989

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In re: ) Docket No. TSCA-09-89-0015  
ALUMINUM COMPANY OF AMERICA ) COMPLAINT  
Respondent. ) AND  
NOTICE OF OPPORTUNITY  
FOR HEARING

I

COMPLAINT

This is a civil administrative action instituted pursuant to Section 16(a) of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2615(a). The Complainant is the United States Environmental Protection Agency (EPA), Region 9. The Respondent is Aluminum Company of America which is, and was at all times relevant to this Complaint, a Pennsylvania registered corporation, with a place of business located at 5151 Alcoa Avenue, Vernon, California.

The Administrator of the EPA is authorized by TSCA Section 16(a)(1), 15 U.S.C. Section 2615(a)(1), to assess a civil penalty not to exceed \$25,000 per day for each violation of TSCA

1 Section 15 (15 U.S.C. 2614). Authority to file a complaint to  
2 assess a civil penalty has been delegated to the Regional  
3 Administrator of the EPA, Region 9, by EPA Order 1200 TN 103, and  
4 by the Regional Administrator to the Director, Air and Toxics  
5 Division, by EPA Regional Order 1290.2A.

6 This Complaint and Notice of Opportunity for Hearing  
7 (Complaint) serves as notice that the Complainant has reason to  
8 believe that the Respondent has violated Section 15 of TSCA,  
9 15 U.S.C. 2614, as follows:

10  
11 Count I

- 12 1. Aluminum Corporation of America, a "person" within the meaning  
13 of 40 C.F.R. 761.3 (hereinafter "Respondent") operates a  
14 facility located at 5151 Alcoa Avenue, Vernon, California  
15 (hereinafter "Facility").
- 16 2. On May 11, 1989, representatives of the U.S EPA conducted an  
17 inspection of the Facility to determine compliance with  
18 Federal regulations, 40 CFR part 761 et seq., governing  
19 PCBs.
- 20 3. At the time of inspection, the Respondent owned and operated  
21 hydraulic systems that had contained PCBs at concentrations  
22 above 50 ppm at the Facility, and therefore is subject to 40  
23 C.F.R. 761.30(e) which regulates the use of PCBs in  
24 hydraulic systems.
- 25 4. 40 C.F.R. Section 761.30(e) requires that each person who  
26 owns a hydraulic system that ever contained PCBs at  
27 concentrations above 50 ppm, must test the concentration of

1       PCBs in the hydraulic fluid of each system, no later  
2       November 1, 1979 and at least annually thereafter. All test  
3       sampling must be performed at least three months after the  
4       most recent fluid refilling. When a test shows that the PCB  
5       concentration is less than 50 ppm, testing under this  
6       paragraph is no longer required. Within six months of a  
7       test, under paragraph (e)(1) of this section that indicates  
8       that a system's fluid contains 50 ppm or greater PCB, the  
9       system must be drained of the PCBs and refilled with fluid  
10      containing less than 50 ppm PCB. Data obtained as a result  
11      of paragraph (e)(1) of this section must be retained for  
12      five years after the hydraulic system reaches 50 ppm.

13    5.   At the time of inspection, the Inspectors observed that  
14       Respondent had failed to test three hydraulic systems (the  
15       1,000 Ton Forge Peanut Press, the Straightening Press, and  
16       the Peeler) for PCB concentrations by November 1, 1979 and  
17       failed to reduce the concentration of these hydraulic  
18       systems to less than 50 ppm PCBs, in violation of 40 C.F.R.  
19       761.30(e)(1) and 15 U.S.C. 2614(1)(C).

20                                   Count II

21    1.   Count II incorporates by reference the allegations contained  
22       in Paragraph Numbers 1 and 2 of Count I as if fully recited  
23       herein.

24    2.   At the time of inspection, the Inspectors determined that  
25       the Respondent had, prior to 1988, owned and operated PCB  
26       capacitors at the Facility, and, at the time of inspection,  
27       maintained PCB hydraulic systems at the Facility, and



- 1 3. PCB hydraulic systems are PCB Articles and PCB Items within  
2 the meaning of 40 C.F.R. 761.3.
- 3 4. 40 C.F.R. 761.65(a) requires that PCB Items stored for  
4 disposal before January 1, 1983 shall have been disposed of  
5 by January 1, 1984. 40 C.F.R. 761.65(a). PCB Items stored  
6 for disposal after January 1, 1983 shall be disposed of  
7 within one year from their initial date of storage.  
8 40 C.F.R. 761.65(a).
- 9 5. Information collected by the Inspectors at the time of  
10 inspection indicated that the 1,000 Ton Forge Peanut Press  
11 had been in storage for disposal prior to January 1, 1983  
12 and Respondent had failed to dispose of the it before  
13 January 1, 1984, in violation of 40 C.F.R. 761.65(a), and  
14 15 U.S.C. 2614(1)(C).

15 Count IV

- 16 1. Count IV incorporates by reference the allegations contained  
17 in Paragraphs 1 and 2 of Count I as if fully recited herein.
- 18 2. At the time of inspection, the Inspectors determined that  
19 the Respondent had, prior to 1988, owned and operated  
20 approximately 50 - 60 PCB large capacitors at the Facility,  
21 and therefore is subject to 40 C.F.R. 761.180(a) which  
22 requires recordkeeping for PCBs and PCB Items.
- 23 3. Owners and operators of facilities using PCBs and PCB Items  
24 or storing PCBs and PCB Items for reuse shall develop and  
25 maintain records on the disposition of PCBs and PCB Items  
26 which include the information specified in 40 C.F.R. 761.180  
27 (a)(1)-(3). These records shall form the basis of an annual



1 document which is to be prepared by July 1 covering the  
2 previous calendar year. 40 C.F.R. 761.180(a).  
3 4. At the time of inspection, the Inspectors observed that  
4 Respondent had failed to prepare PCB annual documents for  
5 the calendar years 1978 through 1982 and that PCB annual  
6 documents for calendar years 1983 through 1987 failed to  
7 include all information specified by 40 C.F.R. 761.180(a)(1)  
8 through (3), in violation of 40 C.F.R. 761.180(a), and  
9 15 U.S.C. 2614(1)(C).

10 II

11 PROPOSED CIVIL PENALTY

12 Section 16(a) of TSCA, 15 USC 2615(a), authorizes a civil  
13 penalty of up to \$25,000 per day for each violation of Section 15  
14 of TSCA, 15 USC 2614. The civil penalty assessment is derived  
15 through application of the "Guidelines for Assessment of Civil  
16 Penalties Under Section 16 of the Toxic Substances Control Act;  
17 PCB Penalty Policy" Federal Register, Vol. 45, No. 177  
18 (September 10, 1980). Based upon the foregoing Guidelines, EPA  
19 proposes to assess the following civil penalty:

20 Count I

21 IMPROPER USE (Failure to test and reduce concentrations of  
22 PCB hydraulic systems).....\$3,000.00  
23 40 C.F.R. 761.30(e)  
15 U.S.C. 2614 (1)(C)

23 Count II

24 IMPROPER DISPOSAL (PCB Spills).....\$5,000.00  
25 40 C.F.R. 761.60(a) and (d)  
15 U.S.C. 2614 (1)(C)

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Count III

IMPROPER STORAGE FOR DISPOSAL (Failure to dispose of PCB  
hydraulic system by 1/1/84).....\$1,500.00  
40 C.F.R. 761.65  
15 U.S.C. 2614 (1)(C)

Count IV

IMPROPER RECORDKEEPING (Failure to prepare and maintain  
complete PCB annual documents).....\$ 200.00  
40 C.F.R. 761.180  
15 U.S.C. 2614 (1)(C)

Total Proposed Penalty.....\$9,700.00

III

NOTICE OF OPPORTUNITY FOR HEARING

You have the right to request a hearing on any material fact  
contained in the Complaint or the amount of the proposed penalty.  
If you wish to request a hearing and avoid being found in  
default, you must file a written Answer to the Complaint with the  
Regional Hearing Clerk, EPA Region 9, 215 Fremont Street, San  
Francisco, California 94105, within twenty (20) days of your  
receipt of the Complaint. The Answer must clearly and directly  
admit, deny, or explain each of the factual allegations contained  
in the Complaint with regard to which you have any knowledge. A  
failure to admit, deny, or explain any material fact allegation  
will constitute an admission of the allegation. The Answer must  
also state (1) the circumstances or arguments which constitute  
the grounds of defense, (2) the facts which you intend to place  
at issue, and (3) whether a hearing is requested.

If you fail to file a written Answer within twenty (20) days  
of your receipt of the Complaint, you may be found in default.  
Your default will constitute an admission of all facts alleged in

1 the Complaint and a waiver of your right to a hearing. The  
2 penalty proposed in the Complaint will be imposed without further  
3 proceedings.

4 The public hearing that you request will be held in a  
5 location determined in accordance with 40 C.F.R. Part 22. The  
6 hearing will be conducted in accordance with the provisions of  
7 the Administrative Procedure Act, 5 U.S.C. 552 et seq., and the  
8 Rules of Practice, 40 CFR Part 22 (45 F.R. 26360), a copy of  
9 which accompanies the Complaint.

#### 10 IV

#### 11 SETTLEMENT CONFERENCE

12 Whether or not you request a hearing, you may confer  
13 informally with EPA to discuss the alleged facts, violations or  
14 amount of the proposed penalty. An informal conference does not,  
15 however, affect your obligation to file a written Answer within  
16 twenty (20) days of your receipt of the Complaint.

17 Any settlement reached as a result of an informal conference  
18 will be embodied in a written Consent Agreement and Order. The  
19 issuance of the Consent Agreement and order will constitute a  
20 waiver of your right to a hearing on any matter to which you have  
21 stipulated.

22 If a settlement cannot be reached through an informal  
23 conference, the filing of a written Answer within twenty (20)  
24 days of your receipt of the Complaint will preserve your right to  
25 a hearing.

26 EPA encourages all parties against whom a penalty is  
27 proposed to explore the possibility of settlement. To request an

1 informal conference, you should contact David M. Jones, Assistant  
2 Regional Counsel, EPA, Region 9, 215 Fremont Street, San  
3 Francisco, California 94105, telephone number (415) 974-7364.

4  
5  
6 6/6/89

7 Date

8 David P. Howekamp

9 David P. Howekamp  
10 Director  
11 Air and Toxics Division  
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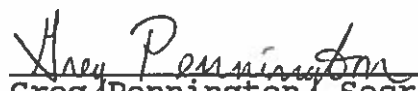
CERTIFICATION OF SERVICE

I hereby certify that the original and one copy of the foregoing Complaint and Notice of Opportunity for Hearing, Docket No. TSCA-09-89-0015 was filed with the Regional Hearing Clerk, Environmental Protection Agency, Region 9, and that a copy addressed as follows, was served by mailing certified mail, return receipt requested, postage prepaid, in a United States Postal Mail Box, at City and County of San Francisco, California, on the 14th day of August, 1989:

Paul O'Neill	Certified Mail No.
President and Chief Executive Officer	P-841 509 821
Aluminum Company of America	
1501 Alcoa Building	
Pittsburgh, PA 15219	

C. T. Corporation System	Certified Mail Nol
Registered Agent for Aluminum	P-765 057 434
Company of America	
818 West 7th Street	
Suite 1004	
Los Angeles, CA 90017	

Dated at City and County of San Francisco, California, this  
14th day of August, 1989.

  
\_\_\_\_\_  
Greg Pennington, Secretary  
Pesticides and Toxics Branch  
Air and Toxics Division  
EPA, Region 9

ALUMINUM COMPANY OF AMERICA

ALCOA BUILDING

PITTSBURGH, PENNSYLVANIA 15219

LEGAL DEPARTMENT

FILED

SEP 1 1989



ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

August 31, 1989

VIA FEDERAL EXPRESS

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94105

David M. Jones  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94105

Re: In the Matter of Aluminum Company of America  
Docket No. TSCA-09-89-0015

Gentlemen:

Enclosed for filing is Aluminum Company of America's Answer and  
Request for Hearing in the above-referenced matter.

Sincerely,

  
Kevin L. McKnight  
General Attorney

KLM/mrj  
523KLM

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX

FILED

SEP 1 1989

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

In re: )  
ALUMINUM COMPANY OF AMERICA )  
Respondent. )

Docket No. TSCA-09-89-0015

ANSWER OF ALUMINUM COMPANY OF AMERICA  
AND REQUEST FOR HEARING

I

ANSWER

Alcoa admits only the existence of the statutes and regulations cited therein but generally denies that it has violated any of them. Alcoa generally denies that any conduct or action by it has violated Section 15 of TSCA, 15 U.S.C. § 2614, or that it is liable for any civil penalties under TSCA. Alcoa admits the nature of Complainant's action, the place of incorporation and business of Alcoa, and the authority of the Regional Administrator to file a Complaint.

COUNT I

1. Admitted as to Aluminum Company of America.

2. Admitted.

3. Alcoa admits only that it owned hydraulic systems, namely a straightening press, a peeler and a forge press, that had contained PCBs. All other allegations of Paragraph 3 are denied. Alcoa specifically denies that it operated any of

these hydraulic systems after the enactment of TSCA and that it is subject to 40 C.F.R. 761.30(e).

4. The cited regulation speaks for itself and, therefore, Alcoa denies any such allegations in conflict with it.

5. Alcoa admits that it failed to test the straightening press and the peeler by the specified date and to reduce the PCB concentration in all of the systems to less than 50 ppm but denies that such inaction is a violation of the regulations cited in Paragraph 5. These hydraulic systems have not been operated at the Facility since the enactment of TSCA.

#### COUNT II

1. The Answers to Paragraph Numbers 1 and 2 of Count I are incorporated herein as if set forth in full.

2. Alcoa admits that prior to 1988 it owned and operated PCB compacitors at the Facility and that it owned PCB hydraulic systems at the time of inspection, but Alcoa denies that it is subject to the requirements of the regulation cited in Paragraph 2. Any PCB contamination from these systems occurred prior to the enactment of TSCA and therefore Alcoa is not in violation of TSCA as a result of such contamination.



3. Admitted with respect to spills, leaks and uncontrolled discharges occurring after the enactment of TSCA.

4. Admitted that the inspectors obtained documentation (analytical reports on concrete borings) tending to show prior PCB contamination at various locations in the facility. Denied that Alcoa is in violation of TSCA as a result of such prior PCB contamination.

### COUNT III

1. The Answers to Paragraph Numbers 1 and 2 in Count I are incorporated herein as if set forth in full.

2. Denied that Alcoa stored the forge press for disposal. On the contrary, such forge press had been stored for sale. Denied that Alcoa is subject to the requirements of the regulations cited in Paragraph 2 as a result of the storage of such forge press.

3. Admitted.

4. Admitted.

5. Denied that Alcoa was storing the forge press for disposal. Denied that Alcoa is in violation of any of the regulations cited in Paragraph 5.

#### COUNT IV

1. The Answers to Paragraph Numbers 1 and 2 of Count I are incorporated herein as if set forth in full.

2. Admitted.

3. Admitted.

4. Admitted that Alcoa failed to prepare PCB annual documents for the calendar years 1979, 1980, 1981 and 1983. Denied that Alcoa failed for calendar years 1983 through 1987 to include all information specified by the regulations referred to in Paragraph 4.

#### II

#### PROPOSED CIVIL PENALTY

Alcoa avers that the proposed civil penalties for Counts I, II and III are inappropriate based upon its averments set forth above in its Answer that it has not violated either TSCA or any regulations promulgated thereunder, and that, assuming arguendo any of its actions are found to constitute a violation of law or regulation, such proposed civil penalties would be excessive in light of the nature, circumstances, extent and gravity of the alleged violations, Alcoa's history of compliance with

TSCA, its degree of culpability and such other matters as justice may require.

Alcoa agrees with the civil penalty proposed as to Count IV of the Complaint.

### III

#### NOTICE OF OPPORTUNITY FOR HEARING


Alcoa hereby requests a Hearing as provided in TSCA Section 16(a) and in accordance with the Administrative Procedure Act, 5 U.S.C. Section 552 et seq., to contest both the disputed material facts and the appropriateness of the proposed penalties.

### IV

#### SETTLEMENT CONFERENCE

Alcoa has requested an informal settlement conference in this case.

Respectfully submitted,

  
Kevin L. McKnight  
1501 Alcoa Building  
Pittsburgh, PA 15219  
(412) 553-4352  
Attorney for Respondent  
Aluminum Company of America

Date: August 31, 89

CERTIFICATE OF SERVICES

I hereby certify that an original and one copy of the foregoing Answer of Aluminum Company of America and Request for Hearing was served upon the following via express mail, postage pre-paid, on August 31, 1989:

Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94105

and

David M. Jones  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region IX  
215 Fremont Street  
San Francisco, CA 94105

  
Kevin L. McKnight

524KLM



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street  
San Francisco, Ca. 94105

September 6, 1989

Honorable Gerald Harwood  
Chief Administrative Law Judge  
Environmental Protection Agency  
401 M Street, S.W.  
Room 3706A, Waterside Mall  
Washington, D.C. 20460

RE: Aluminum Company of America  
DOCKET NUMBER TSCA-09-89-0015

Dear Judge Harwood:

Pursuant to Section 22.21(a) of the Consolidated Rules of Practice (40 C.F.R. Part 22), the above captioned matter is hereby referred to you for assignment of an Administrative Law Judge. In accordance therewith, a copy of the Complaint, Answer, and Request for Hearing are enclosed.

Respondent is represented by:

Mr. Kevin L. McKnight, Esq.  
General Attorney  
Aluminum Company of America  
1501 Alcoa Building  
Pittsburgh, PA 15219

Complainant is represented by:

David M. Jones, Esq.  
Office of Regional Counsel  
U. S. Environmental Protection Agency  
Region 9  
215 Fremont Street  
San Francisco, CA 94105  
(415) 974-7364  
(FTS) 454-7364

Very truly yours,

A handwritten signature in cursive script, appearing to read "David J. Carlson".

David J. Carlson  
Regional Hearing Clerk

cc: Kevin L. McKnight, Esq. Aluminum Company of Company  
David M. Jones, Esq. Assistant Regional Counsel, EPA, Region 9

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

**FILED**

SEP 15 1989

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

In the Matter of

Aluminum Company of America,


Respondent

)  
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Docket No. TSCA-09-89-0015

ORDER OF DESIGNATION

Administrative Law Judge Henry B. Frazier, III, Environmental Protection Agency, Washington, D. C., is hereby designated as the Administrative Law Judge to preside in this proceeding under Section 16(a) of the Toxic Substances Control Act (15 U.S.C. 2615(a)), pursuant to Section 22.21(a) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits (40 CFR 22.21(a)).

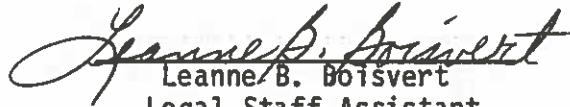
  
Gerald Harwood  
Chief Administrative Law Judge

Dated:

Sept. 14, 1989  
Washington, D. C.

CERTIFICATION

I hereby certify that the original of this Order of Designation was mailed to the Regional Hearing Clerk, U. S. EPA, Region IX, and a copy was sent to Respondent and Complainant in this proceeding.

  
Leanne B. Boisvert  
Legal Staff Assistant

Dated: Sept. 14, 1989

FILED

SEP 19 1989

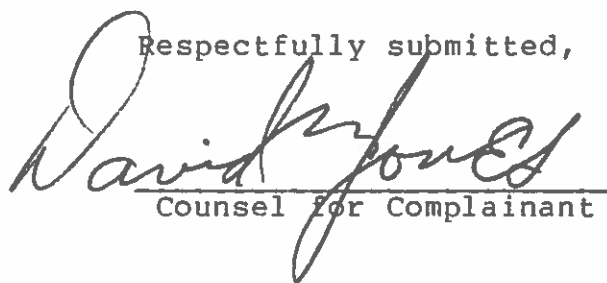
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In re: ) Docket No. TSCA-09-89-0015  
 )  
 )  
ALUMINUM COMPANY OF AMERICA, ) STATUS REPORT  
 )  
 )  
 )  
Respondent. )

We are pleased to announce that a tentative settlement has been reached in the above-entitled administrative enforcement action. We believe that a Consent Agreement and Final Order will be executed by the parties as soon as certain details are established.

Respectfully submitted,

  
Counsel for Complainant



CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Status Report was filed with the Regional Hearing Clerk, Region 9, United States Environmental Protection Agency, on the date shown below and that a copy was sent by First Class Mail to:

The Honorable Henry B. Frazier, III  
Administrative Law Judge  
United States Environmental Protection Agency  
Office of Administrative Law Judges  
401 M Street, S. W. (A-110)  
Washington, D. C. 20460

and by First Class Mail to:

Kevin L. McKnight, Esquire  
General Attorney  
Aluminum Company of America  
1501 Alcoa Building  
Pittsburgh, PA 15219

Dated

9/19/89

Barbara D. D'Amico

Office of Regional Counsel  
U. S. Environmental Protection  
Agency,  
Region 9



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, DC 20460

**FILED**

SEP 21 1989

September 19, 1989

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK  
OFFICE OF  
THE ADMINISTRATIVE  
LAW JUDGES

Mail Code A-110

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

David M. Jones, Esquire  
Office of Regional Counsel  
U.S. EPA, Region IX  
215 Fremont Street  
San Francisco, CA 94105

Kevin L. McKnight, Esquire  
General Attorney  
Aluminum Company of America  
1501 Alcoa Building  
Pittsburgh, PA 15219

Subject: Aluminum Company of America  
Docket No. TSCA-09-89-0015

To the Parties:

As you have been previously notified, I have been designated by order of the Chief Administrative Law Judge, dated September 14, 1989, to preside in this proceeding under the Toxic Substances Control Act, Section 16(a), 15 U.S.C. 2615(a).

Agency policy encouraging settlement is expressed in the rules of practice governing these proceedings, 40 C.F.R. 22.18(a), and you may be attempting to settle this matter. Counsel for the Complainant is requested to file in this proceeding by November 6, 1989, a statement with respect to whether a settlement has been reached or the status of settlement negotiations.

If the case is not settled by that date, I propose to accomplish by this letter some of the purposes of a prehearing conference, as permitted by the rules of practice, 40 C.F.R. 22.19(e).

Accordingly, it is directed that the following prehearing exchange take place:

By Complainant and Respondent

1. As required by the rules of practice, 40 C. F. R. 22.19(b), each party shall submit the names of the expert and other witnesses intended to be called at the hearing with a brief narrative summary of their expected testimony, and copies of all documents and exhibits intended to be introduced into evidence. The documents and exhibits shall be identified as "Complainant's" or "Respondent's" exhibit, as appropriate, and numbered with Arabic numerals (e.g., Complainant's Ex. 1).
2. Each party shall submit its views as to the place of hearing. See the rules of practice, 40 C.F.R 22.21(d) and 22.19(d).

To the extent not covered by the foregoing, the following should also be submitted:

By Complainant

1. Submit a copy of the inspection report together with all the attachments thereto.
2. State the Complainant's position as to the matters alleged in paragraphs 3 and 5 of Respondent's answer to Count I alleging that the hydraulic systems have not been operated at the Facility since the enactment of TSCA.
3. State the Complainant's position as to the matters alleged in paragraphs 2 and 4 of Respondent's answer to Count II denying that Alcoa is subject to the requirements of TSCA and the implementing regulations cited because any PCB contamination from these systems occurred prior to the enactment of TSCA and therefore Alcoa is not in violation of TSCA as a result of such contamination.
4. State the Complainant's position as to the matters alleged in paragraphs 2 and 5 of Respondent's answer to Count III denying that the forge press had been stored for disposal and alleging that it had been stored instead for sale.
5. Submit copies of the PCB annual documents for calendar years 1983 through 1987 and summarize the evidence claimed to support the violations alleged in paragraph 4 of Count IV of the complaint.
6. Show how the proposed penalty conforms to the TSCA Civil Penalty Guidelines and the PCB Penalty Policy, 45 Fed. Reg. 59770, 59776.

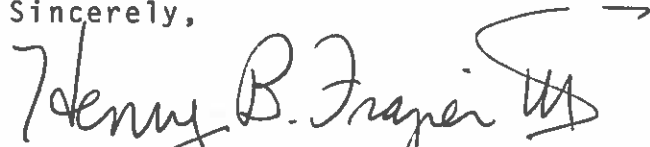
By Respondent

If Respondent intends to contest the proposed penalty on the grounds that it is unable to pay the proposed penalty, or that payment will have an adverse effect on Respondent's ability to continue to do business, furnish certified copies of Respondent's statement of financial position (or in lieu thereof copies of Respondent's federal tax return) for the last fiscal year.

If the case is settled, the Consent Agreement and Final Order signed by the parties should be submitted no later than December 4, 1989. If a Consent Agreement and Final Order have not been signed by that date, the prehearing exchange directed above should be made on December 4, 1989. The parties will be expected to make this prehearing exchange unless prior to the due date an extension of time has been obtained pursuant to 40 C.F.R. 22.07(b). The parties will then have until December 14, 1989 to reply to statements or allegations of the others contained in the prehearing exchange.

The original of the responses and replies shall be sent to the Regional Hearing Clerk, and copies, with any attachments, shall be sent to the opposing party and to this office. If photographs are to be submitted in the prehearing exchange, the party submitting such photographs should provide the actual photograph to all parties concerned in the proceeding (copies reproduced on a duplicating machine will not be acceptable). Upon receipt of the requested responses and the replies, consideration will be given as to whether further correspondence is desirable or whether the matter will be scheduled for a hearing.

Sincerely,

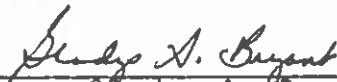
A handwritten signature in dark ink, appearing to read "Henry B. Frazier, III". The signature is fluid and cursive, with a large initial "H" and a stylized "F".

Henry B. Frazier, III  
Administrative Law Judge

IN THE MATTER OF Aluminum-Company of America  
Docket No. TSCA-09-89-0015

CERTIFICATE OF SERVICE

I hereby certify that the original of this prehearing exchange letter was mailed to the Regional Hearing Clerk, United States Environmental Protection Agency, Region IX and copies were mailed CERTIFIED MAIL, RETURN RECEIPT REQUESTED to counsel for Complainant and Respondent in this proceeding.



\_\_\_\_\_  
Gladys A. Bryant  
Secretary

DATED:

September 19, 1989  
Washington, D.C.

FILED

JAN 23 1990

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In re:

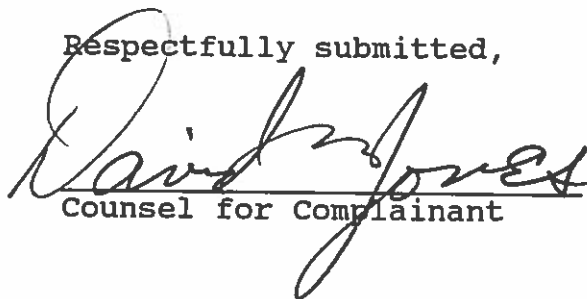
ALUMINUM COMPANY OF AMERICA,  
Respondent.

Docket No. TSCA-09-89-0015

STATUS REPORT

Counsel for Complainant and Respondent have communicated their respective positions at a settlement conference and an accommodation acceptable to both sides is being reviewed by the Regional Office. As soon as we have an executed Consent Agreement and Final Order we shall cause a copy to be filed with the Regional Hearing Clerk and forwarded to the presiding Administrative Law Judge.

Respectfully submitted,

  
Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Status Report was filed with the Regional Hearing Clerk, Region 9 and that a copy was sent by First Class Mail to:

Henry B. Frazier, III  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
United States Environmental Protection Agency  
401 M Street, Room 3706 (A-110)  
Washington, D. C. 20460

and to:

Al Piecka  
General Regional Manager  
Aluminum Company of America  
P. O. Box 58407  
5151 Alcoa Avenue  
Los Angeles, CA 90058

1/23/90  
Date

  
Office of Regional Counsel  
U. S. Environmental Protection  
Agency, Region 9

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

FILED

FEB 05 1990

In the Matter of

ALUMINUM COMPANY OF AMERICA,

Respondent

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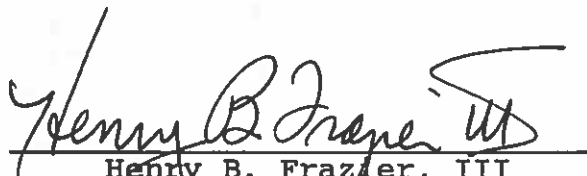
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

Docket No. TSCA-09-0015

ORDER SUSPENDING PREHEARING EXCHANGE

Upon report of the Complainant that a proposed Consent Agreement and Final Order has been forwarded to Respondent for review and execution, the time for the parties to make the prehearing exchange, as directed in my letter of September 19, 1989, is hereby suspended until further order of the undersigned.

Further, Complainant is directed to report on the status of settlement negotiations on February 20, 1990, and monthly thereafter, until final disposition of this matter. Upon receipt of such status reports, the undersigned will reevaluate the status of the case and determine whether this matter should be set down for a hearing.

  
Henry B. Frazier, III  
Chief Administrative Law Judge

DATED: January 30, 1990  
Washington, D.C.



IN THE MATTER OF ALUMINUM COMPANY OF AMERICA, Respondent  
Docket No. TSCA-09-89-0015

CERTIFICATE OF SERVICE

I hereby certify that the original of this Order was mailed to the Regional Hearing Clerk, U.S. EPA, Region IX, and copies were sent to counsel for Complainant and Respondent in this proceeding.

Dottie Woodward

Dottie Woodward  
Secretary

DATED: 1-30-90



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

215 Fremont Street  
San Francisco, Ca. 94105

March 8, 1990

FILED

MAR 12 1990

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

CERTIFIED MAIL NO. P 442-087-191  
Return Receipt Requested

In Reply: A-4-2  
Refer to: TSCA-09-89-0015

Mr. Al Piecka  
General Regional Manager  
Environmental Control/Industrial Hygiene  
Aluminum Company of America  
P. O. Box 58407  
5151 Alcoa Avenue  
Los Angeles, California 90058

Dear Mr. Piecka:

Enclosed is your copy of the fully executed Consent Agreement and Final Order which contains the terms of the settlement reached with David M. Jones of the Office of Regional Counsel.

Your completion of all remedial actions enumerated in the Consent Agreement and Final Order will close this case. If you have any questions regarding the rules, regulations and statutes governing your operations which are implemented by the Agency or which govern the proceedings terminated by the enclosed document, please contact Marcy Katzin at 415-556-5364.

Sincerely,

David P. Howekamp  
Director  
Air and Toxics Division

cc: The Honorable Henry B. Frazier, III  
Office of Administrative Law Judges

Nennet Alvarez  
California Department of Health Services

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**FILED**

MAR 12 1990

ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
HEARING CLERK

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9

In re: ) Docket No. TSCA-09-B9-0015  
 )  
 ) CONSENT AGREEMENT  
ALUMINUM COMPANY OF AMERICA, ) AND  
 ) FINAL ORDER  
Respondent. )

I

This administrative proceeding for the assessment of a civil penalty was initiated pursuant to Section 16(a) of the Toxics Substances Control Act, as amended (TSCA), [15 U.S.C. 2615(a)]. The action was instituted by a Complaint and Notice of Opportunity for Hearing (Complaint) issued on August 15, 1989. The Complaint charged Aluminum Company of America (Respondent), with the violation of 40 C.F.R. 761.30(e), 761.60(a) and (d), 761.65, 761.180(a) and Section 15(1) of TSCA [15 U.S.C. 2614(1)(c)] at the facilities owned by Respondent located at 5151 Alcoa Avenue, Vernon, California (Facility). Complainant is the

1 United States Environmental Protection Agency (EPA), Region 9.

2 II

3 Respondent and Complainant admit and agree that the Regional  
4 Administrator, EPA Region 9, has jurisdiction of the subject  
5 matter of the action set out in the Complaint and over the  
6 parties thereto, pursuant to 15 U.S.C. 2615 and 40 C.F.R.  
7 22.04(a).

8 III

9 Respondent neither admits nor denies the specific factual  
10 allegations made in the Complaint. Respondent hereby waives any  
11 rights which it may have to a hearing on any issues set out in  
12 the Complaint. Complainant waives whatever rights it may have to  
13 compel Respondent to answer or otherwise defend the Complaint.  
14 Respondent consents to the issuance of this Consent Agreement and  
15 Final Order without adjudication.

16 IV

17 By signing this Consent Agreement and Final Order,  
18 Respondent agrees to pay a civil penalty in the amount of FOUR  
19 THOUSAND EIGHT HUNDRED FIFTY DOLLARS in lieu of NINE THOUSAND  
20 SEVEN HUNDRED DOLLARS in the Complaint. The penalty adjustment  
21 set out herein above is based upon: 1) Respondent's good faith  
22 efforts to come into compliance with the TSCA regulations and 2)  
23 The Respondent's cooperation with the Environmental Protection  
24 Agency during settlement negotiations in the form of  
25 representations by Respondent's representatives which were  
26 followed by submission of Draft Clean-Up Agreements for PCB  
27 contamination in the #10 Press Building.

1  
2 In executing this Consent Agreement and Final Order,  
3 Respondent agrees to undertake the following tasks and mitigative  
4 measures:

5 1. Respondent shall implement the requirements of 40  
6 C.F.R. 761.180(a) with respect to the maintenance of  
7 records. Respondent shall submit to Complainant within  
8 30 days after execution of this Consent Agreement by  
9 Respondent the PCB annual document format to be used in  
10 complying with this Agreement and shall submit a revised  
11 1987 PCB annual document in accordance with 40 C.F.R.  
12 761.180(a).

13 2. Within 45 days after the execution of this Consent  
14 Agreement and Final Order by Respondent, Respondent  
15 shall provide Complainant with documentation in the form  
16 of disposal manifests confirming that the Peeler Press  
17 and the Straightening Press have been disposed in  
18 accordance with 40 C.F.R. 761.60.

19 3. Within 45 days after the execution of this Consent  
20 Agreement and Final Order by Respondent, Respondent  
21 shall provide Complainant with copies of the site  
22 assessments conducted at the Peeler Press area and the  
23 Straightening Press area. Copies of site assessments  
24 shall include identification of sample locations, sample  
25 analysis results, description of any cleanup conducted  
26 and disposal manifests for any cleanup materials. The  
27 documentation shall confirm that standards required by

1 40 C.F.R 761.120 have been met.

2 4. Respondent shall provide Complainant within 60 days  
3 after the execution of this Consent Agreement and Final  
4 Order by Respondent with documentation in the form of  
5 disposal manifests indicating that the 1000 Ton Forge  
6 Press has been disposed of in accordance with 40 C.F.R.  
7 761.60.

8 5. Respondent shall provide Complainant within 90 days  
9 after the execution of this Consent Agreement and Final  
10 Order by Respondent with a narrative description of  
11 Respondent's PCB and lead cleanup effort at the 1000 Ton  
12 Forge Press area supported by documentation such as:  
13 Identification of sample locations, preliminary sample  
14 analysis results, cleanup procedures, cleanup materials  
15 used, final verification sampling results, and manifests  
16 indicating proper disposal of cleanup debris. The  
17 documentation shall indicate that standards required by  
18 40 C.F.R. 761.120 have been met.

19 6. Within 30 days of execution of this Consent  
20 Agreement and Final Order, Respondent shall begin a  
21 program of PCB cleanup, as outlined in Attachment #1 of  
22 this Consent Agreement and Final Order, in the #10 Press  
23 Building (Extrusion Press Building). Respondent shall  
24 submit to Complainant within ten consecutive days after  
25 the end of each calendar quarter for a period of six  
26 consecutive calendar quarters on and after the date of  
27 execution of this Agreement by Respondent, a complete

1 report which shall indicate the status of the cleanup  
2 project. In the event that Respondent has completed all  
3 of the tasks and submitted all of the documentation  
4 required by this Article V.6,, the report set out herein  
5 will not be required.

6 7. Within 30 days after the execution of this Consent  
7 Agreement and Final Order, Respondent shall submit  
8 payment in the amount of FOUR THOUSAND EIGHT HUNDRED  
9 FIFTY DOLLARS. The payment shall be sent to:

10 EPA - Region 9  
11 Regional Hearing Clerk  
12 P. O. Box 360863M  
Pittsburgh, PA 15251

13 VI

14 In the event Respondent is unable to complete the tasks set  
15 out in Article V above, within the prescribed time, Complainant  
16 will extend the agreed performance period upon Respondent's  
17 written request, provided that Respondent can demonstrate to  
18 Complainant's reasonable satisfaction that Respondent has used  
19 its best efforts to comply with the specified requirements.

20 All submissions under this Consent Agreement and Final Order  
21 (other than the payment of civil penalty) shall be addressed as  
22 follows:

23 Greg Czajkowski, Chief  
24 Toxics Section, A-4-2  
25 Air and Toxics Division  
26 U.S. Environmental Protection Agency  
27 Region 9  
215 Fremont Street  
San Francisco, CA 94105

26 ///

27 ///

VII

This Agreement does not relieve Respondent from compliance with monitoring and from enforcement actions for TSCA violations not addressed by this Agreement, including but not limited to all non-civil enforcement actions, or from enforcement actions under laws administered by State or local environmental authorities, except where TSCA would pre-empt such laws and the specific violations are governed by the Agreement.

VIII

In executing this Consent Agreement and Final Order, Respondent agrees to pay the civil penalty in accordance with the conditions and timeframes specified in the FINAL ORDER set forth below. In accordance with the Debt Collection Act of 1982 and U.S. Treasury (TFRM 6-8000), payment must be received with 30 days after the execution of this Consent Agreement and Final Order to avoid additional charges. If not received, interest will accrue from the date of execution at the current interest rate published by the U.S. Treasury. A late penalty charge of \$20.00 per thousand dollars of the proposed penalty will be imposed with an additional charge of \$10.00 for each subsequent 30-day period. A 6% per annum penalty will be applied on any principal amount not paid within 90 days of the due date. In addition, if payment is not made within the required timeframe, Respondent shall be liable for the full amount of the civil penalty of NINE THOUSAND SEVEN HUNDRED DOLLARS as specified in the Final Order below.

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IX


In the event that Respondent fails to perform any task set forth in this Consent Agreement and Final Order within the specified time, unless such time has been extended pursuant to Article IX, Respondent shall be deemed to be in default of this Consent Agreement and Final Order.

In the event that Respondent is deemed to be in default of this Consent Agreement and Final Order, Respondent agrees to pay Complainant the balance of the unpaid portion of the full amount of the civil penalty of NINE THOUSAND SEVEN HUNDRED DOLLARS within fifteen (15) days after Respondent's receipt of an Order of Non-Remittance.

X

Complainant and Respondent consent to the entry of this Agreement and Final Order without further notice.

February 12, 1990  
Date

  
Respondent Vincent R. Scorsone  
Group Vice Pres.--Aerospace & Industrial Product  
(print name and title)

3/6/90  
Date

  
David P. Howekamp  
Director  
Air and Toxics Division

1 FINAL ORDER

2 IT IS HEREBY ORDERED that this Consent Agreement and Final Order  
3 (Docket No. TSCA-09-89-0015) be entered and Respondent shall pay  
4 by cashier's check or certified check made payable to the  
5 Treasurer, United States of America, within thirty (30) days  
6 after the execution of this Consent Agreement and Final Order,  
7 and addressed as follows:

8 EPA - Region 9  
9 Regional Hearing Clerk  
P.O. Box 360863M  
Pittsburgh, PA 15251

10 a civil penalty in the amount of FOUR THOUSAND EIGHT HUNDRED  
11 FIFTY DOLLARS (\$4,850.00). A copy of the check shall be sent to  
12 the EPA Region 9 address specified in Article VI above within  
13 thirty (30) days after the execution of this Consent Agreement  
14 and Final Order. In the event Complainant determines that  
15 Respondent has failed to complete all of the tasks identified in  
16 Article V above within the specified timeframes, the balance of  
17 the unpaid portion of the full amount of the civil penalty of  
18 Nine Thousand Seven Hundred Dollars shall be due within fifteen  
19 (15) days after Respondent's receipt of an order of  
20 non-remittance. Such balance shall be paid by cashier's check or  
21 certified check, made payable to the Treasurer, United States of  
22 America, and sent to the Pittsburgh address specified above.

23 This order shall become effective immediately.  
24

25 March 6, 1990  
26 Date

27 Steven W. Anderson  
Steven W. Anderson  
Regional Judicial Officer  
US EPA  
Region 9

1  
2  
3 ATTACHMENT #1  
4 CONSENT AGREEMENT AND FINAL ORDER  
5 DOCKET NUMBER TSCA-09-89-0015  
6

7 1. Conduct site assessment of all accessible areas in the #10  
8 Press Building (Extrusion Press Building) to determine PCB  
9 contamination by analyzing standard wipe samples and core  
10 samples. The sampling plan shall follow guidelines described in  
11 "Field Manual for Grid Sampling of PCB Spill Sites to Verify  
12 Cleanup," EPA document number EPA560/5-86/017.  
13

14 2. The above referenced characterization will include soil  
15 sampling for detection of PCB contamination under the Building.  
16 Aluminum Company of America to provide a diagram of the #10 Press  
17 Building and indicate proposed locations of soil sampling sites.  
18 The number and locations of soil samples to be taken to be agreed  
19 upon by Aluminum Company of America and EPA and the results of  
20 wipe, core and soil sampling to be submitted to EPA. Should a  
21 probability of potential groundwater contamination by PCBs exist,  
22 ALCOA should then be prepared to take appropriate remedial action  
23 to eliminate any risk to groundwater posed by the PCBs.  
24

25 3. ALCOA will select and indicate to EPA at least four areas of  
26 concrete, two vertical and two horizontal, representing highly  
27 contaminated and moderately contaminated areas, and shall clean  
28 them using a high pressure blaster and an appropriate cleaning  
29 solution followed by clean water rinse. The highly contaminated  
30 area will be chosen to represent the highest 10% of measured  
31 contamination while the moderately contaminated area will have  
32 PCB contamination of approximately 100 ug/100 sq. cm.  
33

34 4. Verification sampling will be conducted in the four areas  
35 after one week and again after one month to determine efficiency  
36 of above referenced cleaning methods. If determined to be  
37 successful, this cleaning technique will be used on all  
38 accessible contaminated areas.  
39

40 5. Accessible areas that show PCB contamination greater than 100  
41 ug/100 sq. cm. must be recleaned until decontamination levels  
42 fall within standards outlined by the PCB Spill Cleanup Policy 40  
43 C.F.R. 761.120. Accessible restricted access, low contact,  
44 indoor, nonimpervious surfaces may be cleaned to 100 ug/100 sq.  
45 cm. if then encapsulated.  
46

47 6. In areas where cleaning has failed to meet the required  
48 standards, ALCOA, where practical, will consider concrete removal  
49 in those areas in order to reach PCB Spill Cleanup Policy  
50 decontamination levels.  
51

52 7. Within 240 days after the execution of this Consent Agreement

1 and Final Order, Respondent shall provide Complainant with with a  
2 narrative description of cleanup effort at #10 Press Building and  
3 shall include documentation such as: Cleanup procedures, cleanup  
4 materials used, identification of verification sample locations,  
5 final verification sampling results, and manifests indicating  
6 proper disposal of cleanup debris.

7  
8 8. Cleanup of all currently accessible areas in #10 Press  
9 Building shall be accomplished within 180 days from the effective  
10 date of this Consent Agreement and Final Order. In the event  
11 that Respondent is unable to complete the cleanup in time frame  
12 specified, Respondent shall make application in writing to EPA at  
13 the address specified in Article VI above for an extension of  
14 time. The application for an extension of time shall be  
15 submitted at least seven (7) days in advance for the date for  
16 performance of items 7 and 8 of this attachment.

17  
18 9. At such time that the Facility is no longer in operation, or  
19 if the Facility is sold or transferred, or if any long term  
20 shutdown of the Facility occurs, full cleanup of PCB  
21 contamination in the #10 Press Building shall occur, with PCB  
22 Spill Clean Up Policy Standards 40 C.F.R. 761.120 standards being  
23 met.

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing Consent Agreement and Final Order Docket No. TSCA-09-89-0015 was filed with the Regional Hearing Clerk, Environmental Protection Agency, Region 9, and that copies, addressed as follows, were served by mailing Certified Mail, Return Receipt Requested, postage prepaid, in a United States Mail Box, at the City and County of San Francisco, California, on the 8th day of March, 1990:


Mr. Al Piecka  
General Regional Manager  
Aluminum Company of America  
P. O. Box 58407  
5151 Alcoa Avenue  
Los Angeles, California 90058

Certified Mail #  
P 442-087-191

Henry B. Frazier, III  
Chief Administrative Law Judge  
Office of Administrative Law Judges  
U. S. Environmental Protection Agency  
401 M Street, Room 3706 (A-110)  
Washington, D. C. 20460

Certified Mail #  
P 442-087-190

Dated at City and County of San Francisco, California, this  
8th day of March, 1990.

  
Greg Pennington, Branch Secretary  
Pesticides and Toxics Branch  
Air and Toxics Division  
EPA, Region 9